TITLE 47.—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

Chap. Sec.
7. Campaign Communications [New; Repealed]. 801

Chapter 1.—TELEGRAPHS

§ 16. Washington-Alaska Military Cable and Telegraph System; money transfers; portion of receipts withheld.

After May 20, 1926, such amount of money as may be authorized by the Secretary of the Army may be withheld temporarily from the receipts of the Washington-Alaska Military Cable and Telegraph System by the auditor of said system as a working balance from which to make payments of money transfers from and to Alaska and between points within Alaska, to be accounted for accordingly. (As amended June 6, 1972, Pub. L. 92–310, title II, § 233, 86 Stat. 214.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which permitted the expenses of procuring necessary official bonds of certain enlisted men to be paid from the receipts of the system.

Chapter 5.—WIRE OR RADIO COMMUNICATION

SUBCHAPTER III.—SPECIAL PROVISIONS RELATING TO RADIO

Sec.
331. Broadcast of games of professional sports clubs [New].
(a) Area television broadcast by licensee of games sold out before playing time; terms and conditions; legality of restrictive agreements.
(b) Injunctions against violations; venue; costs and attorneys' fees.
(c) Definitions.
(d) Study and reports to Congressional Committees.

CHAPTER REFERRED TO IN D.C. CODE

This chapter is referred to in section 22–2001 of the District of Columbia Code.

SUBCHAPTER I.—GENERAL PROVISIONS

§ 153. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 15 section 78c.

§ 154. Federal Communications Commission.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Change of Name note set out under this section in the main volume.

SUBCHAPTER II.—COMMON CARRIERS

§ 214. Extension of lines; certificate of public convenience and necessity; discontinuance of service.

* * * * *

(b) Upon receipt of an application for any such certificate, the Commission shall cause notice thereof to be given to, and shall cause a copy of such application to be filed with, the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points), and the Governor of each State in which such line is proposed to be constructed, extended, acquired, or operated, or in which such discontinuance, reduction, or impairment of service is proposed, with the right to those notified to be heard; and the Commission may require such published notice as it shall determine.

* * * * *

(As amended Nov. 30, 1974, Pub. L. 93–506, § 1, 88 Stat. 1577.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93–506 substituted "the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points)," for "the Secretary of the Army, the Secretary of the Navy,".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 721 of this title.

§ 222. Consolidations and mergers of telegraph carriers.

* * * * *

(c) Application to Commission; public hearings; determination of public interest; approval; divestment of international operations.

(1) Whenever any consolidation or merger is proposed under subsection (b) of this section, the telegraph carrier or telegraph carriers seeking authority therefor shall submit an application to the Commission, and thereupon the Commission shall order a public hearing to be held with respect to such application and shall give reasonable notice thereof, in writing, and an opportunity to be heard, to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of Defense, the Attorney General of the United States, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable. If, after such public hearing, the Commission finds that the proposed consolidation or merger, or an amended proposal for consolidation or merger, (1) is authorized by subsection (a) of this section, (2) conforms to all other applicable provisions of this sec-

tion, (3) is in the public interest, the Commission shall enter an order approving and authorizing such consolidation or merger, and thereupon any law or laws making consolidations and mergers unlawful shall not apply to the proposed consolidation or merger. In finding whether any proposed consolidation or merger is in the public interest the Commission shall give due consideration, among other things, to the financial soundness of the carrier resulting from such consolidation or merger.

* * * * *

(As amended Nov. 30, 1974, Pub. L. 93–506, § 2, 88 Stat. 1577.)

AMENDMENTS

1974—Subsec. (c)(1). Pub. L. 93–506 added reference to Secretary of Defense and struck out references to Secretary of the Army and Secretary of the Navy.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 214 of this title; title 26 section 46.

SUBCHAPTER III.—SPECIAL PROVISIONS RELATING TO RADIO

PART I.—GENERAL PROVISIONS

§ 303. Powers and duties of Commission.

Except as otherwise provided in this chapter, the Commission from time to time, as public convenience, interest, or necessity requires, shall—

* * * * *

(*l*)(1) * * *

* * * * *

(2) Notwithstanding paragraph (1) of this subsection, an individual to whom a radio station is licensed under the provisions of this chapter may be issued an operator's license to operate that station.

(3) In addition to amateur operator licenses which the Commission may issue to aliens pursuant to paragraph (2) of this subsection, and notwithstanding section 301 of this title and paragraph (1) of this subsection, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators. Other provisions of this chapter and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization.

* * * * *

(As amended Aug. 10, 1971, Pub. L. 92–81, § 1, 85 Stat. 302; Nov. 30, 1974, Pub. L. 93–505, § 1, 88 Stat. 1576.)

REFERENCES IN TEXT

The Administrative Procedure Act, referred to in subsec. (*l*)(3), was repealed by Pub. L. 89–554, and reenacted and codified as sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1974—Subsec. (*l*)(2). Pub. L. 93–505 substituted provisions relating to issuance, notwithstanding par. (1) of this subsection, to an individual to whom a radio station is licensed under this chapter of an operator's license to operate that station, for provisions relating to issuance by the Commission of authorizations, under terms and conditions, for aliens licensed as amateur radio operators by their governments to operate in the United States, possessions, and Puerto Rico upon meeting specified preconditions.

Subsec. (*l*)(3). Pub. L. 93–505 substituted provisions relating to issuance of authorizations for aliens licensed by their governments as amateur radio operators to operate their radio stations in the United States, possessions, and Puerto Rico, under terms and conditions prescribed by the Commission and upon meeting specified preconditions, for provisions relating to issuance of licenses by the Commission, notwithstanding par. (1) of this subsection, to aliens admitted to the United States as permanent residents.

1971—Subsec. (*l*). Pub. L. 92–81 added par. (3).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 305, 328, 329, 330, 360, 361 of this title.

§ 305. Government owned stations; regulations; stations on vessels; call letters; stations operated by foreign governments.

OFFICE OF EMERGENCY PREPAREDNESS

Functions of the Director of the Office of Emergency Preparedness under Ex. Ord. No. 11556, Sept. 4, 1970, 35 F.R. 14193 [set out as a note under this section], transferred to the Administrator of General Services, see section 3 of Ex. Ord. No. 11725, June 27, 1973, 38 F.R. 17175, set out as a note under section 2271 of Title 50, Appendix, War and National Defense.

The Office of Emergency Preparedness, including the offices of Director, Deputy Director, Assistant Directors, and Regional Directors, was abolished and all functions vested by law in the Office of Emergency Preparedness or the Director of the Office of Emergency Preparedness were transferred to the President of the United States by sections 1 and 3(a)(1) of 1973 Reorg. Plan No. 1, effective July 1, 1973, set out in the Appendix to Title 5, Government Organization and Employees.

§ 310. License ownership restrictions.

(a) Grant to or holding by foreign government or representative.

The station license required under this chapter shall not be granted to or held by any foreign government or the representative thereof.

(b) Grant to or holding by alien or representative, foreign corporation, etc.

No broadcast or common carrier or aeronautical en route or aeronautical fixed radio station license shall be granted to or held by—

(1) any alien or the representative of any alien;

(2) any corporation organized under the laws of any foreign government;

(3) any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

(4) any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public

interest will be served by the refusal or revocation of such license.

(c) Authorization for aliens licensed by foreign governments; bilateral agreement between United States and foreign country as prerequisite.

In addition to amateur station licenses which the Commission may issue to aliens pursuant to this chapter, the Commission may issue authorizations, under such conditions and terms as it may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation on a reciprocal basis by United States amateur radio operators. Other provisions of this chapter and of the Administrative Procedure Act shall not be applicable to any request or application for or modification, suspension, or cancellation of any such authorization.

(d) Assignment and transfer of construction permit or station license.

No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby. Any such application shall be disposed of as if the proposed transferee or assignee were making application under section 308 of this title for the permit or license in question; but in acting thereon the Commission may not consider whether the public interest, convenience, and necessity might be served by the transfer, assignment, or disposal of the permit or license to a person other than the proposed transferee or assignee. (As amended Aug. 10, 1971, Pub. L. 92–81, § 2, 85 Stat. 302; Nov. 30, 1974, Pub. L. 93–505, § 2, 88 Stat. 1576.)

REFERENCES IN TEXT

The Administrative Procedure Act, referred to in subsec. (c), was repealed by Pub. L. 89–554, and reenacted and codified as sections 551 et seq. and 701 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–505 added subsec. (a). Former subsec. (a), which related to granting to or holding of required station licenses by aliens, was struck out.

Subsec. (b). Pub. L. 93–505 added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (c). Pub. L. 93–505 added subsec. (c).

Subsec. (d). Pub. L. 93–505 redesignated former subsec. (b) as (d).

1971—Subsec. (a). Pub. L. 92–81 added provisions empowering the Commission to issue licenses to certain aliens admitted to the United States for permanent residence, provided that the Commission notify the appropriate agencies of the Government of applications received for license, and that such agencies furnish to the Commission information bearing on the request's compatibility with national security.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 309, 328, 329, 360, 361, 734 of this title; title 40 section 782.

§ 312. Administrative sanctions.

(a) Revocation of station license or construction permit.

The Commission may revoke any station license or construction permit—

* * * * *

(5) for violation of or failure to observe any final cease and desist order issued by the Commission under this section;

(6) for violation of section 1304, 1343, or 1464 of Title 18; or

(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.

* * * * *

(As amended Feb. 7, 1972, Pub. L. 92–225, title I, § 103(a)(2)(A), 86 Stat. 4.)

AMENDMENTS

1972—Subsec. (a)(7). Pub. L. 92–225 added par. (7).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 328, 329, 360, 361, 402 of this title.

§ 315. Candidates for public office.

(a) Equal opportunities requirement; censorship prohibition; allowance of station use; news appearances exception; public interest; public issues discussion opportunities.

If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

* * * * *

(b) Broadcast media rates.

The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election to such office shall not exceed—

(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

(2) at any other time, the charges made for comparable use of such station by other users thereof.

(c) Definitions.

For purposes of this section—

(1) the term "broadcasting station" includes a community antenna television system; and

(2) the terms "licensee" and "station licensee" when used with respect to a community antenna

television system mean the operator of such system.

(d) Rules and regulations.

The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section. (As amended Feb. 7, 1972, Pub. L. 92–225, title I, §§ 103(a)(1), (2)(B), 104(c), 86 Stat. 4, 7; Oct. 15, 1974, Pub. L. 93–443, title IV, § 402, 88 Stat. 1291.)

AMENDMENTS

1974—Subsec. (c). Pub. L. 93–443, § 402, deleted provisions respecting station use charges upon certification of nonviolation of Federal limitations of expenditures for use of communications media; redesignated former subsec. (f) as (c); incorporated former par. (1) (A) and (B) provisions in clauses designated (1) and (2) and deleted subpar. (C) definition of "Federal elective office" and par. (2) definition of "legally qualified candidate".

Subsec. (d). Pub. L. 93–443, § 402(a), deleted provisions respecting station use charges upon certification of nonviolation of State limitations of expenditures for use of communications media and conditions for application of State limitations and redesignated former subsec. (g) as (d).

Subsecs. (e) to (g). Pub. L. 93–443, § 402(a), deleted subsec. (e) provisions respecting penalties for violations and inapplicability of sections 501 through 503 of this title and redesignated former subsecs. (f) and (g) as (c) and (d).

1972—Subsec. (a). Pub. L. 92–225, § 103(a)(2)(B), inserted following "No obligation is imposed" the words "under this subsection".

Subsec. (b). Pub. L. 92–225, § 103(a)(1), substituted in introductory text "by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office", for "for any of the purposes set forth in this section", added par. (1), designated existing provisions as par. (2), inserted therein the opening words "at any other time," and substituted "by other users thereof" for "for other purposes".

Subsecs. (c)–(f). Pub. L. 92–225, § 104(c), added subsecs. (c)–(f). Former subsec. (c) redesignated (g).

Subsec. (g). Pub. L. 92–225, § 104(c), redesignated former subsec. (c) as (g).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub L. 93–443 effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 328, 329, 360, 361 of this title.

§ 331. Broadcast of games of professional sports clubs.

(a) Area television broadcast by licensee of games sold out before playing time; terms and conditions; legality of restrictive agreements.

If any game of a professional sports club is to be broadcast by means of television pursuant to a league television contract and all tickets of admission for seats at such game which were available for purchase by the general public one hundred and twenty hours or more before the scheduled beginning time of such game have been purchased seventy-two hours or more before such time, no agreement which would prevent the broadcasting by means of television of such game at the same time and in the area in which such game is being played shall be valid or have any force or effect. The right to broadcast such game by means of television at such time and in such area shall be made available, by the person or persons having such right, to a television broadcast licensee on reasonable terms and conditions unless the broadcasting by means of television of such game at such time and in such area would be a telecasting which section 1293 of Title 15 is intended to prevent.

(b) Injunctions against violations; venue; costs and attorneys' fees.

If any person violates subsection (a) of this section, any interested person may commence a civil action for injunctive relief restraining such violation in any United States district court for a district in which the defendant resides or has an agent. In any such action, the court may award the cost of the suit including reasonable attorneys' fees.

(c) Definitions.

For the purposes of this section:

(1) The term "professional sports club" includes any professional football, baseball, basketball, or hockey club.

(2) The term "league television contract" means any joint agreement by or among professional sports clubs by which any league of such clubs sells or otherwise transfers all or any part of the rights of such league's member clubs in the sponsored telecasting of the games engaged in or conducted by such clubs.

(3) The term "agreement" includes any contract, arrangement, or other understanding.

(4) The term "available for purchase by the general public," when used with respect to tickets of admission for seats at a game or games to be played by a professional sports club, means only those tickets on sale at the stadium where such game or games are to be played, or, if such tickets are not sold at such stadium, only those tickets on sale at the box office closest to such stadium.

(d) Study and reports to Congressional Committees.

The Commission shall conduct a continuing study of the effect of this section and shall, not later than April 15 of each year, submit a report to the Committee on Commerce of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives with respect thereto. Such report shall include pertinent statistics and data and any recommendations for legislation relating to the broadcasting of professional football, baseball, basketball, and hockey games which the Commission determines would serve the public interest. (June 19, 1934, ch. 652, title III, § 331, as added Sept. 14, 1973, Pub. L. 93–107, § 1, 87 Stat. 350.)

REPEAL

Pub. L. 93–107, § 2, Sept. 14, 1973, 87 Stat. 351, provided for repeal of this section effective December 31, 1975.

PART IV.—GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES; CORPORATION FOR PUBLIC BROADCASTING

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in title 40 App., section 214.

§ 390. Declaration of purpose.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 391, 392, 397 to 399 of this title.

§ 391. Authorization of appropriations.

There are authorized to be appropriated for the fiscal year ending June 30, 1974, and for the succeeding fiscal year such sums not to exceed $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the succeeding fiscal year, as may be necessary to carry out the purposes of section 390 of this title. Sums appropriated under this section for any fiscal year shall remain available for payment of grants for projects for which applications approved under section 392 of this title, have been submitted under such section prior to the end of the succeeding fiscal year. (As amended Aug. 29, 1972, Pub. L. 92–411, § 2, 86 Stat. 643; Aug. 6, 1973, Pub. L. 93–84, § 1(c), 87 Stat. 219.)

AMENDMENTS

1973—Pub. L. 93–84 substituted authorization of appropriation of amounts not exceeding $25,000,000 and $30,000,000 for the fiscal year ending June 30, 1974 and the succeeding fiscal year, respectively, for authorization of appropriation of amount not exceeding $25,000,000 for the fiscal year ending June 30, 1973.

1972—Pub. L. 92–411 substituted authorization of appropriation of $25,000,000 for fiscal year ending June 30, 1973, for authorization of $15,000,000 for such year, and struck out authorization of appropriations for fiscal years 1963 to 1972.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 392, 397, 398, 399 of this title.

§§ 392 to 395.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 399 of this title.

§ 396. Corporation for Public Broadcasting.

* * * * *

(g) Purposes and activities of the Corporation; powers under the District of Columbia Nonprofit Corporation Act.

* * * * *

(2) Included in the activities of the Corporation authorized for accomplishment of the purposes set forth in subsection (a) of this section, are, among others not specifically named—

* * * * *

(H) conduct (directly or through grants or contracts) research, demonstrations, or training in matters related to noncommercial educational television or radio broadcasting and the use of nonbroadcast communications technologies for the dissemination of educational television or radio programs.

* * * * *

(i) Report to Congress.

The Corporation shall submit an annual report for the preceding fiscal year ending June 30 to the President for transmittal to the Congress on or before the 31st day of December of each year. The report shall include a comprehensive and detailed report of the Corporation's operations, activities, financial condition, and accomplishments under this section and may include such recommendations as the Corporation deems appropriate. The officers and directors of the Corporation shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection (*l*) of this section, or any other matter which any such committee may determine.

* * * * *

(k) Financing.

(1) There is authorized to be appropriated for expenses of the Corporation $50,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975.

(2) In addition to the sums authorized to be appropriated by paragraph (1) of this subsection, there are authorized to be appropriated for payment to the Corporation for each fiscal year during the period July 1, 1970, to June 30, 1975, amounts equal to the amount of total grants, donations, bequests, or other contributions (including money and the fair market value of any property) from non-Federal sources received by the Corporation under subsection (g)(2)(A) of this section during such fiscal year; except that the amount appropriated pursuant to this paragraph for any fiscal year may not exceed $5,000,000.

(3) There is hereby established in the Treasury a fund which shall be known as the "Public Broadcasting Fund" administered by the Secretary of the Treasury. There are authorized to be appropriated to such fund for each of the fiscal years during the period beginning July 1, 1975, and ending September 30, 1980, an amount equal to 40 per centum of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, and for the period July 1, 1976, through September 30, 1976, an amount equal to 10 per centum of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year ending June 30, 1975; except that the amount so appropriated shall not exceed $88,000,000 for the fiscal year ending June 30, 1976; $22,000,000 for the period July 1, 1976, through September 30, 1976; $103,000,000 for the fiscal year ending September 30, 1977; $121,000,000 for the fiscal year ending September 30, 1978; $140,000,000 for the fiscal year ending September 30, 1979; and $160,000,000 for the fiscal year ending September 30, 1980.

(4) The funds authorized by this subsection shall be used solely for the expenses of the Corporation. The Corporation shall determine the amount of non-Federal financial support received by public broadcasting entities during each of the fiscal years indicated in paragraph (3) of this subsection for the purpose of determining the amount of each authorization, and shall certify such amount to the Secretary of the Treasury. Upon receipt of such certification, the Secretary of the Treasury shall disburse to the Corporation, from such funds as may be appropriated to the Public Broadcasting Fund, the amount authorized for each of the fiscal years and for the period July 1, 1976, through September 30, 1976, pursuant to the provisions of this subsection.

(5) The Corporation shall reserve for distribution among the licensees and permitees of noncommercial educational broadcast stations that are on-the-air an amount equal to not less than 40 per centum of the funds disbursed to the Corporation from the Public Broadcasting Fund during the period July 1, 1975, through September 30, 1976, and in each fiscal

year in which the amount disbursed is $88,000,000 or more, but less than $121,000,000; not less than 45 per centum in each fiscal year in which the amount disbursed is $121,000,000 or more, but less than $160,000,000; and not less than 50 per centum in each fiscal year in which the amount disbursed is $160,000,000.

(6) The Corporation shall, after consultation with licensees and permittees of noncommercial educational broadcast stations that are on-the-air, establish, and review annually, criteria and conditions regarding the distribution of funds reserved pursuant to paragraph (5) of this subsection, as set forth below:

(A) The total amount of funds shall be divided into two portions, one to be distributed among radio stations, and one to be distributed among television stations. The Corporation shall make a basic grant from the portion reserved for television stations to each licensee and permittee of a noncommercial educational television station that is on-the-air. The balance of the portion reserved for television stations and the total portion reserved for radio stations shall be distributed to licensees and permittees of such stations in accordance with eligibility criteria that promote the public interest in noncommercial educational broadcasting, and on the basis of a formula designed to—

(i) provide for the financial need and requirements of stations in relation to the communities and audiences such stations undertake to serve;

(ii) maintain existing, and stimulate new, sources of non-Federal financial support for stations by providing incentives for increases in such support; and

(iii) assure that each eligible licensee and permittee of a noncommercial educational radio station receives a basic grant.

(B) No distribution of funds pursuant to this subsection shall exceed, in any fiscal year, one-half of a licensee's or permittee's total non-Federal financial support during the fiscal year second preceding the fiscal year in which such distribution is made.

(7) Funds distributed pursuant to this subsection may be used at the discretion of stations for purposes related to the provision of educational television and radio programing, including but not limited to the following: producing, acquiring, broadcasting, or otherwise disseminating educational television or radio programs; procuring national or regional program distribution services that make educational television or radio programs available for broadcast or other dissemination at times chosen by stations; acquiring, replacing, and maintaining facilities, and real property used with facilities, for the production, broadcast, or other dissemination of educational television and radio programs; developing and using nonbroadcast communications technologies for educational television or radio programing purposes.

* * * * *

(As amended Aug. 29, 1972, Pub. L. 92–411, § 1, 86 Stat. 643; Aug. 6, 1973, Pub. L. 93–84, § 1(a), (b), 87 Stat. 219; Dec. 31, 1975, Pub. L. 94–192, §§ 2–4, 89 Stat. 1099, 1100.)

AMENDMENTS

1975—Subsec. (g)(2)(H). Pub. L. 94–192, § 3, inserted "and the use of nonbroadcast communications technologies for the dissemination of educational television or radio programs" following "broadcast".

Subsec. (i). Pub. L. 94–192 directed that officers and directors be available to testify before Congressional committees concerning the annual fiscal report, audit report, or any other matter.

Subsec. (k)(3)–(7). Pub. L. 94–192, § 2, added pars. (3) to (7).

1973—Subsec. (k)(1). Pub. L. 93–84, § 1(a), substituted authorization of appropriation of $50,000,000 and $60,000,000 for the fiscal years ending June 30, 1974 and June 30, 1975, respectively, for authorization of appropriation of $40,000,000 for the fiscal year ending June 30, 1973.

Subsec. (k)(2). Pub. L. 93–84, § 1(b), substituted "1975" for "1973".

1972—Subsec. (k)(1). Pub. L. 92–411 struck out authorization of appropriation for fiscal years ending June 30, 1969, June 30, 1970, and the two succeeding fiscal years and provided for an appropriation of $40,000 for fiscal year ending June 30, 1973.

Subsec. (k)(2). Pub. L. 92–411 substituted "June 30, 1973" for "June 30, 1972".

SHORT TITLE OF 1975 AMENDMENT

Section 1 of Pub. L. 94–192 provided "That this Act [amending this section and section 397 of this title] may be cited as the 'Public Broadcasting Financing Act of 1975'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 392, 397, 398, 399 of this title.

§ 397. Definitions.

For the purposes of sections 390 to 399 of this title—

* * * * *

(10) The term "non-Federal financial support" means the total value of cash and the fair market value of property and services (except for personal services of volunteers) received—

(A) as gifts, grants, bequests, donations, or other contributions for the construction or operation of noncommercial educational broadcast stations, or for the production, acquisition, distribution, or dissemination of educational television or radio programs, and related activities, from any source other than (i) the United States or any agency or establishment thereof, or (ii) any public broadcasting entity; or

(B) as gifts, grants, donations, contributions, or payments from any State, any agency or political subdivision of a State, or any educational institution, for the construction or operation of noncommercial educational broadcast stations or for the production, acquisition, distribution, or dissemination of educational television or radio programs, or payments in exchange for services or materials respecting the provision of educational or instructional television or radio programs.

(11) The term "public broadcasting entity" means the Corporation, any licensee or permittee of a noncommercial educational broadcast station, or any nonprofit institution engaged primarily in the production, acquisition, distribution, or dissemination of educational television or radio programs. (As amended Dec. 31, 1975, Pub. L. 94–192, § 5, 89 Stat. 1100.)

AMENDMENTS

1975—Pars. (10), (11). Pub. L. 94–192 added pars. (10) and (11).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 392, 398, 399 of this title.

§ 398. Federal interference or control prohibited.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 392, 397, 399 of this title.

§ 399. Editorializing and support of political candidates prohibited; recording of certain programs.

(a) No noncommercial educational broadcasting station may engage in editorializing or may support or oppose any candidate for political office.

(b) (1) Except as provided in paragraph (2), each licensee which receives assistance under sections 390 to 399 of this title after August 6, 1973, shall retain an audio recording of each of its broadcasts of any program in which any issue of public importance is discussed. Each such recording shall be retained for the sixty-day period beginning on the date on which the licensee broadcasts such program.

(2) The requirements of paragraph (1) shall not apply with respect to a licensee's broadcast of a program if an entity designated by the licensee retains an audio recording of each of the licensee's broadcasts of such a program for the period prescribed by paragraph (1).

(3) Each licensee and entity designated by a licensee under paragraph (2) which retains a recording under paragraph (1) or (2) shall, in the period during which such recording is required under such paragraph to be retained, make a copy of such recording available—

(A) to the Commission upon its request, and

(B) to any other person upon payment to the licensee or designated entity (as the case may be) of its reasonable cost of making such copy.

(4) The Commission shall by rule prescribe—

(A) the manner in which recordings required by this subsection shall be kept, and

(B) the conditions under which they shall be available to persons other than the Commission, giving due regard to the goals of eliminating unnecessary expense and effort and minimizing administrative burdens. (As amended Aug. 6, 1973, Pub. L. 93–84, § 2, 87 Stat. 219.)

AMENDMENTS

1973—Pub. L. 93–84 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 392, 397, 398 of this title.

SUBCHAPTER IV.—PROCEDURAL AND ADMINISTRATIVE PROVISIONS

§ 401. Enforcement of chapter and orders of Commission; jurisdiction.

* * * * *

(d) Repealed. Pub. L. 93–528, § 6(a), Dec. 21, 1974, 88 Stat. 1709.

(As amended Dec. 21, 1974, Pub. L. 93–528, § 6(a), 88 Stat. 1709.)

AMENDMENTS

1974—Subsec. (d). Pub. L. 93–528 repealed subsec. (d), which provided that the provisions of sections 28 and 29 of Title 15, section 345(1) of Title 28, and sections 44 and 45 of Title 49, shall be held to apply to any suit in equity arising under sections 201–222 of this title, wherein the United States is complainant.

§ 402. Judicial review of Commission's orders and decisions.

ADMINISTRATIVE ORDERS REVIEW ACT

Court of appeals exclusive jurisdiction respecting final orders of Federal Communications Commission made reviewable by subsec. (a) of this section, see section 2342(1) of Title 28, Judiciary and Judicial Procedure.

§ 410. Joint boards and commissions.

(a) State joint boards; reference of communication matters; composition; jurisdiction, powers, duties, and obligations; conduct of proceedings; force and effect of joint board action; members: nomination, appointment, and rejection; allowances for expenses.

Except as provided in section 409 of this title, the Commissioner may refer any matter arising in the administration of this chapter to a joint board to be composed of a member, or of an equal number of members, as determined by the Commission, from each of the States in which the wire or radio communication affected by or involved in the proceeding takes place or is proposed. For purposes of acting upon such matter any such board shall have all the jurisdiction and powers conferred by law upon an examiner provided for in section 3105 of Title 5, designated by the Commission, and shall be subject to the same duties and obligations. The action of a joint board shall have such force and effect and its proceedings shall be conducted in such manner as the Commission shall by regulations prescribe. The joint board member or members for each State shall be nominated by the State commission of the State or by the Governor if there is no State commission, and appointed by the Federal Communications Commission. The Commission shall have discretion to reject any nominee. Joint board members shall receive such allowances for expenses as the Commission shall provide.

(b) State commissions; conferences with Commission regarding matters of carriers subject to their jurisdiction; joint hearings; cooperation with Commission.

The Commission may confer with any State commission having regulatory jurisdiction with respect to carriers, regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commission and of the Commission; and the Commission is authorized under such rules and regulations as it shall prescribe to hold joint hearings with any State commission in connection with any matter with respect to which the Commission is authorized to act. The Commission is authorized in the administration of this chapter to avail itself of such cooperation, services, records, and facilities as may be afforded by any State commission.

(c) Federal-State Joint Board; reference of proceedings regarding jurisdictional separation of common carrier property and expenses between interstate and intrastate operations and other matters relating to common carrier communications of joint concern; jurisdiction, powers, duties, and obligations; recommendation of decisions; State members; presence at oral arguments and nonvoting participation in deliberations; composition; Chairman.

The Commission shall refer any proceeding regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations, which it institutes pursuant to a notice of proposed rulemaking and, except as provided in section 409 of this title, may refer any other matter, relating to common carrier communications of joint Federal-State concern, to a Federal-State Joint Board. The Joint Board shall possess the same jurisdiction, powers, duties, and obligations as a joint board established under subsection (a) of this section, and shall prepare a recommended decision for prompt review and action by the Commission. In addition, the State members of the Joint Board shall sit with the Commission en banc at any oral argument that may be scheduled in the proceeding. The Commission shall also afford the State members of the Joint Board an opportunity to participate in its deliberations, but not vote, when it has under consideration the recommended decision of the Joint Board or any further decisional action that may be required in the proceeding. The Joint Board shall be composed of three Commissioners of the Commission and of four State commissioners nominated by the national organization of the State commissions, as referred to in sections 302(b) and 305(f) of Title 49, and approved by the Commission. The Chairman of the Commission, or another Commissioner designated by the Commission, shall serve as Chairman of the Joint Board. (As amended Sept. 30, 1971, Pub. L. 92–131, § 2, 85 Stat. 363.)

CODIFICATION

Reference to "section 3105 of Title 5" was substituted for "section 11 of the Administrative Procedure Act (5 U.S.C. 1010)" on authority of section 7(b) of Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1971—Subsec. (c). Pub. L. 92–131 added subsec. (c).

SHORT TITLE

Section 1 of Pub. L. 92–131 provided that: "This Act [enacting subsec. (c) of this section] may be cited as the 'Federal-State Communications Joint Board Act'."

§ 415. Limitations of actions.

(a) All actions at law by carriers for recovery of their lawful charges, or any part thereof, shall be begun, within two years from the time the cause of action accrues, and not after.

(b) All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the Commission within two years from the time the cause of action accrues, and not after, subject to subsection (d) of this section.

(c) For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within two years from the time the cause of action accrues, and not after, subject to subsection (d) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the two-year period of limitation said period shall be extended to include two years from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

* * * * *

(As amended Nov. 30, 1974, Pub. L. 93–507, 88 Stat. 1577.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–507 substituted "two years" for "one year".

Subsec. (b). Pub. L. 93–507 substituted "two years" for "one year".

Subsec. (c). Pub. L. 93–507 substituted references to two years for references to one year wherever appearing therein.

SUBCHAPTER VI.—MISCELLANEOUS PROVISIONS

§ 606. War powers of President.

OFFICE OF EMERGENCY PREPAREDNESS

Functions of the Director of the Office of Emergency Preparedness under Ex. Ord. No. 10705, Apr. 17, 1957, 22 F.R. 2729, as amended [set out as a note under this section], transferred to the Administrator of General Services, see section 3 of Ex. Ord. No. 11725, June 27, 1973, 38 F.R. 17175, set out as a note under section 2271 of Title 50, Appendix, War and National Defense.

The Office of Emergency Preparedness, including the offices of Director, Deputy Director, Assistant Directors, and Regional Directors, was abolished and all functions vested by law in the Office of Emergency Preparedness or the Director of the Office of Emergency Preparedness were transferred to the President of the United States by sections 1 and 3(a)(1) of 1973 Reorg. Plan No. 1, effective July 1, 1973, set out in the Appendix to Title 5, Government Organizations and Employees.

Chapter 6.—COMMUNICATIONS SATELLITE SYSTEM

§ 702. Definitions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 26 section 48.

Chapter 7.—CAMPAIGN COMMUNICATIONS [New; Repealed]

§§ 801 to 805. Repealed. Pub. L. 93–443, title II, § 205(b), Oct. 15, 1974, 88 Stat. 1278.

Sections 801 to 805, Pub. L. 92–225, title I, §§ 102, 103(b), 104 (a), (b), 105, 106, Feb. 7, 1972, 86 Stat. 3–5, 7, 8, related to campaign communications, providing in section: 801 for definitions; 802 for nonbroadcast media rates; 803(a) for limitations of expenditures for use of communications media in elections and primaries, and concerning regulations for Presidential primaries, definition of "price index" and "base period", publication in Federal Register, price index and voting age population estimate, spending by candidates, agents' commissions and charges of expenditures against applicable expenditure limitations; 803(b) for charges upon certification of nonviolation of Federal limitations of expenditures for use of communication media; 804 for regulations; and 805 for penalties for violations.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Jan. 1, 1975, see section 410(a) of Pub. L. 93–443, set out as a note under section 431 of Title 2, The Congress.